UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

------x

LINDA MARSHALL, BEN DAMPIOS, AL SPILLOWAY, BERNIE APOTHEKER, HARRY ESPOSITO and BRENT WENTZ, on behalf of themselves and all others similarly situated,

Civ. No. 07-CV-6950 (LAP)

Plaintiffs,

v.

MILBERG WEISS BERSHAD & SCHULMAN LLP, LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP, MELVYN I. WEISS, DAVID J. BERSHAD, and STEVEN G. SCHULMAN, DOES 1 THROUGH 15,

RESPONSE OF STEVEN
G. SCHULMAN TO
THE UNITED STATES'
MOTION FOR A STAY
AND PLAINTIFF'S
PARTIAL OPPOSITION

Defendants.

Defendant, Steven G. Schulman ("Schulman") does not oppose the Government's Motion to Intervene and Stay All Proceedings pending resolution of related criminal prosecutions in the United States District Court for the Central District of California and joins in the request for a stay of all proceedings in the instant action.

Schulman also has no objection to plaintiffs filing an amended complaint pursuant to Federal Rules of Civil Procedure 15(a)(1)(A), provided the amended complaint constitutes plaintiff's one amendment as a matter of course.

Schulman opposes however, all of plaintiff's remaining "exceptions" to the Government's request for a stay including (a) requiring Defendants to answer the amended complaint; (b) permitting plaintiffs to serve written discovery and (c) requiring defendants to respond to the written discovery five days after lifting the stay.

Schulman respectfully refers the Court to the Memorandum of Law submitted by defendant David J. Bershad in response to Plaintiffs' partial opposition to the Government's Motion to Intervene and Stay all Proceedings and joins in the arguments contained therein.

Dated: March 19, 2008

Respectfully submitted,

DAVIDOFF MALITO & HUTCHER LLP

Bv:

Mark E. Spund (MES 4705)

(mes@dmlegal.com)

Attorneys for defendant-

Steven G.

Schulman

605 Third Avenue, 34th Floor

New York, New York 10158

212-557-7200

TO:

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THOMAS P. O'BRIEN United States Attorney Central District of California Richard E. Robinson Assistant United States Attorney 1100 United States Courthouse 312 North Spring Street Los Angels, California 90012 (213) 894-0713

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
LINDA MARSHALL, BEN DAMPIOS, AL SPILLOWAY, BERNIE APOTHEKER, HARRY ESPOSITO and BRENT WENTZ, on behalf of themselves and all others similarly situated,	x : : Civ. No. 07-CV-6950 (LAP) :
Plaintiffs,	
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MILBERG WEISS BERSHAD & SCHULMAN LLP, LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP, MELVYN I. WEISS, DAVID J. BERSHAD, and STEVEN G. SCHULMAN, DOES 1 THROUGH 15, Defendants.	: AFFIDAVIT OF SERVICE : : : : : : : : : : : : : : : : : : :
STATE OF NEW YORK) ss. COUNTY OF NASSAU)	X

LAURA J. CAVALLO, being duly sworn, deposes and says:

I am employed by the law firm of Davidoff Malito & Hutcher LLP, attorneys for Defendants. I am over the age of 18 years, I reside in Nassau County, New York, and I am not a party to this action.

On March 19, 2008, I served the within Response of Steven G. Schulman To The United States' Motion for a Stay and Plaintiff's Partial Opposition, via Federal Express, next day delivery, by depositing a true copy of same, enclosed in a pre-paid Federal Express wrapper, in an official depository under the exclusive care and custody of Federal Express, at the addresses set forth on the pages hereto attached.

LAURA I. CAVALLO

Sworn to before me this 19th day of March, 2008.

Marghet C Jurillo Notary Public

> MARGARET C. FIORILLO Notary Public, State of New York No. 30-4671525 Qualified in Nassau County Commission Expires Oct. 31, 2010

TO:

MICHAEL J. GARCIA United States Attorney Southern District of New York Stanley J. Okula, Jr. Assistant United States Attorney 300 Quarropas Street White Plaints, New York 10601 (212) 637-1585

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07 v 6950 (LAP

LINDA MARSHALL, BEN DAMPIOS, AL SPILLOWAY, BERNIE APOTHEKER, HARRY ESPOSITO and BRENT WENTZ, others similarly situated,

Plaintiffs,

- against -

MILBERG WEISS BERSHAD & SCHULMAN LLP, LERACH COUGLIN STOIA GELLER RUDMAN & ROBBINS LLP, MELVIN I. WEISS, DAVID J. BERSHAD, and STEVEN G. SCHULMAN, DOES 1 THROUGH 15.

Defendants.

RESPONSE OF STEVEN G. SCHULMAN TO THE UNITED STATES' MOTION FOR A STAY AND PLAINTIFF'S PARTIAL OPPOSITION

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